

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Mehnert et al.

Examiner: **Kenneth Whittington**

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Title: Position Detector

Docket: 8263

Confirmation No. **2870**

**INTERVIEW SUMMARY RECORD**

The undersigned thanks the Primary Examiner for the Examiner initiated telephone call on April 27, 2009 suggesting a change to claim 45, to wit, in line 9, “or” was suggested to be changed to “and” so that the claim would read “said second induction element (SP2) ~~or~~ and said sensor element (SE) provides a second” . Another telephone conversation on May 7, 2009 resulted in the issuance of the restriction requirement. Other telephone calls by and between the undersigned and the Primary Examiner took place between April 27, 2009 and May 7, 2009 and were directed toward the time for response to the Examiner’s original suggestion as to the change to claim 45 made on April 27, 2009 and further related to alternative language to that suggested

by the Primary Examiner. The undersigned suggested to the Examiner that the following be added to claim 45, line 9, after “said second induction element (SP2) or said sensor element (SE)”, to wit,

“, depending on which one of said second induction element (SP2) or said sensor element (SE) is used. “

The alternative suggested by the undersigned was to insure claim coverage with broad scope that the inventors are entitled to in regard to claim 45 and the other claims. In the interviews concluding on May 7, 2009, the undersigned indicated that change originally proposed by the Examiner to claim 45 was not acceptable and the Primary Examiner indicated that Applicants’ suggested change was not acceptable unless the change included use of “and” instead of “or” in the phrase “, depending on which one of said second induction element (SP2) or said sensor element (SE) is used, “

No agreement as to patentability was reached. The “interviews” referred to in the Examiner’s Interview Summary between April 27, 2009 and May 7, 2009 were essentially one protracted interview concluding on May 7, 2009.

The undersigned indicated that two sets of claims would be written in response to the restriction requirement along with the required election in response to the restriction requirement. The Primary Examiner indicated that he would be inclined to consider both sets of claims even though an election was to be made.

No agreement as to the patentability of the claims was reached.

The undersigned thanks the Primary Examiner for his thoughtfulness, professionalism and courtesy in suggesting changes to claim 45 and to allow claim 45 with changes, and for

advancement of the instant application. A response to the restriction requirement will be made and the claims will be clarified.

Respectfully submitted,

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/Kenneth L. Mitchell/

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